United Nations A/C.5/61/13

General Assembly

Distr.: General
29 November 2006

Original: English

Sixty-first session
Fifth Committee
Agenda item 117
Programme budget for the biennium 2006-2007

Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory

Programme budget implications of draft resolution A/ES-10/L.20

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 3, 4 and 5 of draft resolution A/ES-10/L.20, the General Assembly would:

(a) Establish the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory to serve as a comprehensive record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and to be referred to as the Register of Damage;

(b) Decide to set up an office of the Register of Damage, which would be:

(i) Responsible for the establishment and comprehensive maintenance of the Register of Damage;

(ii) Composed of a three-member Board and a secretariat, headed by an Executive Director and consisting of substantive, administrative and technical support staff;

(iii) A subsidiary organ of the General Assembly operating under the administrative authority of the Secretary-General;

(iv) Established at the site of the United Nations Office at Vienna (UNOV);

06-63309 (E) 301106

(c) Request the Secretary-General to nominate the candidates for the three-member Board of the office of the Register of Damage, according to the selection criteria defined in his report dated 17 October 2006 (A/ES-10/361), and at the earliest practicable date, and to submit their candidatures to the General Assembly for its approval within three months.

2. Under the terms of operative paragraphs 6 to 8 of the draft resolution, the General Assembly would decide on the responsibilities and functions of the Board, the Executive Director and the secretariat of the office of the Register of Damage.

3. Under the terms of operative paragraphs 11 and 15 of the draft resolution, the General Assembly would:

(a) Call for the establishment and operation of the office of the Register of Damage and the establishment of the Register of Damage itself within six months of the adoption of the resolution and the immediate undertaking thereafter of the process of registration of damage claims;

(b) Request the Secretary-General to provide necessary staff and facilities and to make appropriate arrangements to provide necessary funds required to carry out the terms of the present resolution.

II. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2006-2007

4. The above requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, of the biennial programme plan and priorities for the period 2006-2007.[1]

III. Activities by which the requests would be implemented

5. In his report to the General Assembly (A/ES-10/361), the Secretary-General outlined the structure and functions of the office of the Register of Damage, comprising the Board and the secretariat to be headed by an Executive Director. Consistent with the decisions and requests contained in draft resolution A/ES-10/L.20, the office of the Register of Damage would be established at the site of the United Nations Office at Vienna.

6. The Board would be composed of three independent members, assisted by the Executive Director of the office of the Register of Damage as an ex officio member of the Board. Members of the Board would be remunerated on a "when-actually-employed" basis.

7. The secretariat would include the Office of the Executive Director, a Verification and Assessment Unit, a Community Outreach Unit, a Claims Processing Unit, an Information Management Unit and an Administrative Unit.

8. The Office of the Executive Director would be headed by the Director at the D-2 level, supported by a Senior Legal Adviser (P-5), a Coordination Officer (P-4) and a Personal Assistant (General Service (Other level)). The Senior Legal Adviser

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* and corrigendum (A/59/6/Rev.1 and Corr.1).

06-63304

would provide advice and assistance to the Executive Director and the Board on issues related to international, public, private and administrative law, including liaison with legal authorities of relevant Governments and institutions, perform extensive legal research and analysis and prepare legal opinions, studies, briefings, reports and correspondence, review, advise on and draft contracts, agreements, institutional and operational modalities and other legal documents. The Coordination Officer would provide substantive assistance to the Executive Director and be responsible for preparing regular inputs to the Board on the implementation of programmes, developing appropriate feedback tools for ongoing improvements in respect to research projects and special reporting products and ensuring information gathering and dissemination.

9. The Verification and Assessment Unit would be headed by a Chief of Unit (D-1) and comprise a Finance Officer (P-5), a Survey Officer (P-4), an Engineer (P-4), a Legal Officer (P-3) and two Verification and Assessment Assistants (General Service (Other level)). The Unit would be responsible for reviewing the claims in compliance with formal requirements to be defined by the Board in the rules and regulations, determining whether loss or damage claimed is directly resulting from the construction of the wall and, where appropriate, making assessments of the value of losses.

10. The Community Outreach Unit would consist of a Community Outreach Officer (P-4) and an Assistant (General Service (Other level)) and would be responsible for informing the public in an extensive information and education campaign about the possibility of and requirements for filing damage claims and their submission to the office of the Register of Damage. To this end, the Community Outreach Unit, jointly with other relevant staff of the secretariat of the Register of Damage, assisted by six training experts, would identify training requirements for local focal points and would undertake a 10-day mission to the region to carry out training and capacity-building on the ground, required for informing affected communities and individuals, distribute claim forms and provide general assistance.

11. The Claims Processing Unit would comprise two Claims Officers (one P-4 and one P-3), and five General Service (Other level) staff (3 translators and 2 data entry clerks) and would be responsible for processing damage claims with a view to submitting them through the Executive Director to the Board for approval. The Unit would also be responsible for keeping the records of damage claims approved by the Board. The Register of Damage would include both hard copies of the claims and their electronic protected versions with information kept at the office headquarters. Owing to the fact that the office of the Register of Damage would require a computerized software and database system designed in English for the processing of a large number of claims, translation would need to be provided in cases where claim forms are not submitted in English.

12. The Information Management Unit would comprise one Information Management and Technology Officer (P-4), a Systems Analyst/Programmer (P-2) and an Information Systems Assistant (General Service (Other level)) and would be responsible for setting up a standardized format for the claims and maintaining the related electronic database. This task would be undertaken in close collaboration with the Claims Processing Unit, which would define the substantive requirements

to be included in the forms. The Unit would also develop a special programme for the protection of the electronic database of registered claims.

13. The Administrative Unit, consisting of one Administrative Officer (P-4) and an Administrative Assistant (General Service (Other level)), would contribute to the implementation of the mandate of the Register of Damage by providing the required administrative and logistical support, in the areas of budget, finance, human resources management, general services and logistics. Functions also include liaison and coordination with UNOV, which would provide administrative support.

14. A critical review of best practices in the field of similar registration of losses and damages would be conducted at the initial stage of the establishment of the Register of Damage. Five technical experts in the field of damage claims, community outreach, agriculture, land law and topography would assist the Board in its definition of the rules and regulations. Any additional experts may be temporarily hired on a "when-needed" basis to assist the Board in performing highly specialized tasks related to the establishment or the maintenance of the Register of Damage.

15. The office of the Register of Damage would remain active for the duration of the process of registration. The establishment of the Register of Damage itself would be a continuous process that would most likely take several years, given the thousands of potential claims and continued construction of the wall that may result in new damages. Based on preliminary estimates and without prejudice to the number of claims which may be filed, up to 100,000 claim forms may be required to be printed, distributed, collected and processed by the office of the Register of Damage.

IV. Estimated resource requirements

16. The estimated costs of the establishment and maintenance of the Register of Damage, as decided and requested in draft resolution A/ES-10/L.20, for a one-year period from 1 January to 31 December 2007, amount to $2,812,000 net ($3,098,700 gross).

17. These resources would cover the salaries and common staff costs for Members of the Board, to be engaged on a "when-actually-employed" basis, and 14 Professional and 11 General Service (Other level) staff comprising the office of the Register of Damage ($1,610,300); consultancy services ($69,900), the official travel of Members of the Board and staff of the office ($331,900); requirements for facilities and infrastructure ($213,400), communications equipment and communications charges ($76,300), information technology equipment including software licences and services ($356,200), other services, supplies and equipment ($41,400), as well as requirements for a community outreach programme ($30,000) and a training programme ($82,600).

V. Potential for absorption

18. No provision has been made under the programme budget for the biennium 2006-2007 in relation to the activities that would be requested under draft resolution A/ES-10/L.20. At the current stage, it is not possible to identify activities within

section 3, Political affairs, of the programme budget for the biennium 2006-2007 that could be terminated, deferred, curtailed or modified during the biennium.

VI. Action required from the General Assembly

19. **In accordance with the provisions of paragraph 11 of annex I of General Assembly resolution 41/213, an additional appropriation amounting to $3,098,700 would be required under section 3, Political affairs ($2,812,000), and section 35, Staff assessment ($286,700), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007, for the establishment and maintenance of the Register of Damage.**